

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-CV-10329-MBB

_____)
PATRICK AMBROSE, et al.,)
)
Plaintiff,)
v.)
)
TOWN OF DANVERS, et al.,)
)
Defendants.)
_____)

JOINT STATEMENT

Pursuant to Local Rule 16.1(D), the parties submit their Joint Statement and request that the Court adopt and Order the following proposed schedule:

A. Joint Discovery Plan.

The parties request that the Court adopt and order the following discovery plan:

1. The parties submit that discovery should be bifurcated between the issues of liability and damages. The first phase of discovery on the issue of liability concerns three issues: (a) a dispute as to Defendants' election of the partial exemption for law enforcement personnel under §7(k) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §207(k) ; (b) the salary augments used in the calculation of the "regular rate" for purposes of calculating FLSA overtime; and (c) whether certain superior officers are exempt or non-exempt under the FLSA. The second phase of discovery, if necessary, would involve the calculation of damages for each plaintiff entitled to relief.

2. The parties submit the first phase (liability) of discovery would be concluded by December 9, 2005.

B. Proposed Schedule For Filing Motions.

1. Dispositive motions on liability issues filed no later than March 10, 2006.

C. Certifications of Counsel.

Certifications will be provided separately at or before the Scheduling Conference.

Respectfully submitted.

For the Plaintiffs:

/s/ John F. McMahon

John F. McMahon, BBO# 338360

angoff@gis.net

Angoff Goldman Manning Wanger
& Hynes, P.C.

45 Bromfield Street, 8th Floor

Boston, MA 02108

(617) 723-5500

For Defendants:

/s/ Michael F.X. Dolan, Jr.

Michael F.X. Dolan, Jr., BBO#565876

mdolan@mhtl.com

Murphy, Hesse, Toomey & Lehane, LLP

300 Crown Colony Drive, 4th Floor

Quincy, MA 02169

(617) 479 - 5000

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